

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Decision by Court.

This matter comes before the Court on Defendants Insurance Toolkits, LLC and Joseph Wahl's ("Defendants") Motion to Dismiss Counterclaim Without Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and for entry of judgment.

IT IS ORDERED, ADJUDGED AND DECREED that, pursuant to the Court's order entered November 17, 2023 [DE 24], the court GRANTS defendants' motion to dismiss defendant Frankie Primerano for lack of personal jurisdiction. The court also GRANTS IN PART and DENIES IN PART defendants' motion to dismiss for failure to state a claim upon which relief can be granted. The court DISMISSES counts two, seven, nine, and eleven. The court DECLINES to dismiss counts three, four, five, six, and ten.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to the Court's order entered July 3, 2024 [DE 34], the court GRANTS IN PART and DENIES IN PART the motion to dismiss of Software Automation and Zachary Bornheimer [D.E. 29], DISMISSES WITHOUT PREJUDICE Bornheimer from the action for lack of personal jurisdiction, and DISMISSES WITHOUT PREJUDICE for failure to state a claim upon which relief can be granted defendants' libel per quod and UDTPA counterclaims against Software Automation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to the Court's order entered July 3, 2025 [DE 80], the court GRANTS defendants' motion to dismiss the complaint [D.E. 47], DENIES plaintiff's motion to file an amended complaint to join TIP Holdings, and DENIES AS MOOT plaintiff's request for an extension of time to file opening expert reports [D.E. 77].

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to the Court's order entered July 22, 2025 [DE 82], Defendants' motion to dismiss [DE 81], is GRANTED and Defendants Insurance Toolkits, LLC and Joseph Wahl's counterclaim is dismissed without prejudice. Judgment is entered dismissing all claims of Plaintiff with prejudice and Defendants without prejudice.

This judgment filed and entered on July 23, 2025, and served on:

Counsel of record for the parties (via CM/ECF electronic notification)

PETER A. MOORE, JR., CLERK

July 23, 2025

/s/Stephanie Mann
By: Deputy Clerk